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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,342	11/08/2001	Mathew Richard Palmer	7310-259	5164

7590 12/10/2002

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EXAMINER

FUNK, STEPHEN R

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 12/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/986,342

Applicant(s)  
Palmer et al.

Examiner  
Stephen Funk

Art Unit  
2854



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Sep 19, 2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 8-12 and 16-24 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-12 and 16-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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The disclosure is objected to because of the following informalities: In claim 19 line 1 "is extends" should be corrected. Appropriate correction is required.

Claims 18 - 24 are objected to under 37 C.F.R. 1.75(a) as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 18 lines 4 and 5 "a second wall" and "a first wall", respectively, would appear to be double recitations of the same in lines 2 and 3. On the other hand, at least "a second wall" in line 4 would be a double recitation since it refers to the case recited in the claim whereas "a first wall" in line 5 refers to another inferentially recited case.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 - 12 and 16 - 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitazawa (US 5,302,034) in view of Herberger (US 3,687,036). Kitazawa teaches a cassette comprising a supply of image receiving tape (25) and a case (3). Note that the case of Kitazawa includes recess means (53) for aligning and attaching the case to a tape printer projection (13) and top and bottom recesses for accommodating drive spindles (7, 9) and the various spools. See column 5 lines 23 - 35 and Figures 1 and 2 of Kitazawa, for example. Herberger teaches the desirability of utilizing functional recesses (33) and projections (29) on cases (1) to not only

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interact with the machine the case is inserted into but also to aid in attaching, stacking, shipping, and storing of like cases. See the entire document of Herberger, in particular, column 2 lines 29 - 33 and column 3 lines 29 - 45. It would have been obvious to one of ordinary skill in the art to provide the case of Kitazawa with means for attaching the case to alike cases in view of Herberger so as to aid in storing and shipping the cases. With respect to claims 10 and 18 it would have been obvious to one of ordinary skill in the art to provide the top of the case of Kitazawa with projections to match any of the recesses in the bottom of the case of Kitazawa in view of Herberger to provide the desired attaching and stacking of the cases. With respect to claims 11 and 20 note the rectangular shape of the recess (53) of Kitazawa. Accordingly, it would have been obvious to one of ordinary skill in the art, in view of the teachings of Herberger, to provide rectangular projections on the top of the case of Kitazawa to interact with the recesses on the bottom of the case. With respect to claims 12 and 21 note that the tape printer of Kitazawa has a zone with element (13) for interacting with the means (53) of the case. With respect to claim 16 note the two unlabeled pins in Figure 2 of Kitazawa for guiding the tape. With respect to claims 19 and 20 it would appear to have been a mere matter of design choice, lacking any recitation of criticality or functionality, to have the recess extend to a first wall of the case. With respect to claim 21 note the cassette receiving slot (5) of Kitazawa. With respect to claim 22 note the print head (17) of Kitazawa. With respect to claim 24 it would have been obvious to one of ordinary skill in the art through routine experimentation to provide the upstanding projection with a height one-third the height of the cassette.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the projections and recesses in column 10 lines 3 - 7 in the printer case of Wouters et al. ('298) and the projections and recesses for stacking of Yoshida ('344), Sandor et al. ('414), and Dunn et al. ('367).

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

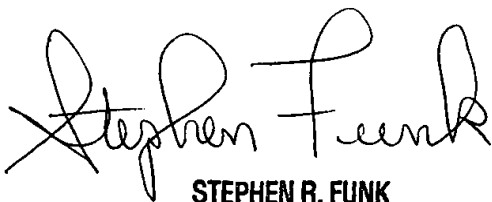
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Funk at telephone number (703) 308-0982. The examiner can normally be reached Monday - Friday, except Wednesdays, from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Hirshfeld, can be reached at (703) 305-6619.

The fax number for *official* papers is (703) 308-7722, 7724. The fax number for those wishing an auto-reply verifying receipt of *official* papers is (703) 872-9318 or for After-Final actions is (703) 872-9319. Upon consulting with the examiner *unofficial* papers only may be faxed directly to the examiner.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at telephone number (703) 308-0956.

Stephen Funk  
December 5, 2002



STEPHEN R. FUNK  
PRIMARY EXAMINER